

FOR INFORMATION  
DA-2005-05  
March 14, 2005

SUBJECT: *Phytophthora ramorum* (sudden oak death, ramorum blight, ramorum die-back),  
Documentation of Approval to Ship Non-host Nursery Stock Interstate from  
California, Oregon, and Washington

TO: STATE AND TERRITORY AGRICULTURAL REGULATORY OFFICIALS

On December 21, 2004, APHIS issued an Emergency Federal Order Restricting Movement of Nursery Stock from California, Oregon, and Washington Nurseries. The purpose and goal of this Order is to prevent the spread of *Phytophthora ramorum* through regulatory authority provided for in Sections 412 and 414 of the Plant Protection Act, (7 U.S.C. 7712, 7714).

The purpose of this memorandum is to define the minimum requirements for documentation of nurseries approved to ship non-host nursery stock interstate from California, Oregon, and Washington.

On January 10, 2005, nurseries in regulated areas in California, Oregon, and Washington that ship host or associated plant nursery stock listed in Attachments I and II of this Order interstate could no longer ship nursery stock interstate until the nursery had been inspected, sampled, and tested; and no evidence of *P. ramorum* infestation was found according to the process described in the Federal Order. Nurseries meeting these requirements entered into compliance agreements with Plant Protection and Quarantine and can ship plants interstate for up to 1 year after certification. As proof of their certification, paperwork accompanying shipments from these nurseries will carry a Federal certificate (also called a shield) attesting to their approved status. This requirement remains unchanged.

Beginning March 10, 2005, any nursery in California, Oregon, and Washington that ships plants interstate, but that does not contain or ship host and associated host plants, may not ship nursery stock interstate until the nursery has been inspected and there is found no evidence of *P. ramorum* infestation according to the process described in the Federal Order. The 60-day inspection requirement is postponed if plants have entered dormancy at the time this Order is issued. In those cases, this Order will go into effect 60 days following the time when the best expression of symptoms is anticipated but no later than July 1, 2005. As proof of a non-host nursery's approved status the Order simply says, "states shall maintain lists of nurseries approved for shipping under this Order."

In order to provide consistent, accessible and readily understandable proof of a non-host nursery's approved status, effective immediately California, Oregon, and Washington shall:

- maintain a list of approved nurseries on a regularly updated web page on their state department of agriculture website;
- include the following statement on the list, preferably visible on each page of the list of approved nurseries: **"The following nurseries have been inspected and it has been**

**determined there is no evidence of *P. ramorum* according to the process described in the Emergency Federal Order Restricting Movement of Nursery Stock from California, Oregon, and Washington Nurseries, December 21, 2004, and are authorized to ship non-host nursery stock interstate;”**

- provide a contact name and phone number for questions about the list and approval process on their webpage. The state may also provide an e-mail address.

Shipping nurseries shall be encourage to:

- print out the list or pages from the list that attest to their approved status;
- include the printout in every interstate order shipped.

This action will be reflected in an interim rule codifying the Federal Order that will be published in the Federal Register for public comment in accordance with the provisions of the Administrative Procedures Act.

**/s/ Paul R. Eggert for**

Richard L. Dunkle  
Deputy Administrator  
Plant Protection and Quarantine